

Appl. No. 10/022,861
Paper dated March 13, 2006
Reply to Office Action dated December 13, 2005

Docket No. 1232-4801

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-2, 4-27, 29-53 are pending and are rejected. Claims 45 and 46 are also objected to for stated informalities. By this amendment, claims 2, 8, 15, 27, 33, 40 and 51-53 are canceled without prejudice or disclaimer, claims 1, 4-7, 9-11, 14, 16, 18-20, 22, 23, 26, 29-30, 34-36, 41-43 and 45-48 are amended and new claim 54 has been added. Claims 1, 16, 26 and 41 are independent in form. No new matter has been introduced.

Claim Rejection/Objections

Claim 22 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 15, 40 and 52 are rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,600,579 to Kumagai et al. ("Kumagai").

Claims 1, 2, 4-9, 11, 13, 26, 27, 29-34, 36, 38 and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of U.S. Patent No. 5,956,161 to Takashimizu ("Takashimizu").

Claims 10, 12, 14, 35, 37 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Takashimizu and further in view of U.S. Patent No. 6,563,938 to Harada ("Harada").

Claims 16-25, 41-50 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumagai in view of Harada.

Appl. No. 10/022,861
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Docket No. 1232-4801

Applicants respectfully disagree with the characterization of the cited references and of the claims in the above rejections and believe that the claims as pending are patentably distinct from the art of record. Applicants respectfully traverse the stated rejections.

Nonetheless, Applicants have herein amended independent claims 1, 16, 26 and 41 to clarify the claimed invention. The invention as recited in the claims presented herein is believed to be patentably distinct over the art of record in this case for at least the following reasons.

Applicants have herein canceled claims 2, 8, 15, 27, 33, 40 and 51-53 without prejudice or disclaimer, rendering the objections and/or rejections as to these claims moot. In addition, Applicants have amended claims 45 and 46 to address the stated objections. Accordingly, Applicant respectfully requests that the rejections and/or objections as to these claims be withdrawn.

Independent Claims 1 and 26

Claim 1 has been amended to clarify an aspect of the claimed invention where the image reading apparatus comprises, *inter alia*, "a controller adapted to notify the presence of dust or dirt on said platen in response to the detection of presence of dust or dirt by said detector, and clear the notification in response to an opening operation of the document feeder." Method claim 26 has been similarly amended. Support for this amendment can be found for example, with reference to Fig. 15 and the description in page 36, line 25 to page 37, line 18. At least this feature is believed to distinguish the claimed invention from the prior art.

Kumagai et al. (US 6,600,579 B1) does not specifically disclose when the image reading apparatus stops displaying a page in which a black line appears. In addition, there is no

Appl. No. 10/022,861
Paper dated March 13, 2006
Reply to Office Action dated December 13, 2005

Docket No. 1232-4801

teaching about opening the document feeder. Therefore, the control of clearing the notification of the presence of dust or dirt in response to an opening operation of the document feeder is not anticipated by Kumagai.

Takashimizu et al. (US P 5,956,161) discloses a technique to read a large number of paper sheets successively and rapidly, and has nothing to do with dust or dirt detection. There is a description in column 17, lines 25-43 of an interlocking mechanism which operates in response to an opening or closing movement of the apparatus lid unit 20. However, there is no teaching about clearing a notification of the presence of dust or dirt in response to the opening operation of the apparatus lid unit 20.

Thus, neither Kumagai nor Takashimizu discloses or suggests a controller adapted to clear the notification, which notifies the presence of dust or dirt, in response to an opening operation of the document feeder as claimed.

Therefore, Applicants respectfully submit that neither Kumagai nor Takahimizu, taken alone or in combination, teach or suggest, and thus do not anticipate or render obvious, the invention recited in claims 1 or 26.

Independent Claims 16 and 41

Claim 16 has been amended to clarify an aspect of the claimed invention where the image reading apparatus comprises, *inter alia*, "a controller adapted to perform a read-while-feed operation in which an original is read while being fed by said image sensor placed at a predetermined position corresponding to the size of said original detected by said original size detector while said original is fed by said document feeder and inhibit the read-while-feed operation to read said original in a case where said dust or dirt detector detects the presence of dust or dirt on said platen at said predetermined position." Method claim 41 has been similarly

Appl. No. 10/022,861

Docket No. 1232-4801

Paper dated March 13, 2006

Reply to Office Action dated December 13, 2005

amended. Support for this amendment can be found for example, with reference to the third embodiment described in the specification and Fig. 18. At least this feature is believed to distinguish the claimed invention from the prior art.

Kumagai does not disclose detecting the size of an original. Therefore, it is neither possible to perform a read-while-feed operation in which an original is read while being fed by an image sensor placed at a predetermined position corresponding to a detected size of the original nor to inhibit the read-while-feed operation to read the original in a case where dust or dirt is detected on the platen at the predetermined position corresponding to the detected size of the original.

Harada (USP 6,563,938) teaches shifting the reading position by the predetermined distance D when the abnormal value is detected (column 6, lines 5-8), but is silent about inhibiting the read-while-feed operation of an original of a size corresponding to the predetermined position at which the image sensor is placed in the read-while-feed operation.

Thus, neither Kumagai nor Harada discloses or suggests the claimed controller which inhibits the read-while-feed operation to read the original in a case where the dust or dirt is detected at a predetermined position, corresponding to the detected size of the original, at which the image sensor is placed in the read-while-feed operation.

Therefore, Applicants respectfully submit that neither Kumagai nor Harada, taken alone or in combination, teach or suggest, and thus do not anticipate or render obvious, the invention recited in claims 16 or 41.

Appl. No. 10/022,861
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Docket No. 1232-4801

Dependent Claims

Applicants have not independently addressed the rejections of the dependent claims because Applicant submits that, as the independent claims 1, 16, 26 and 41 from which the dependent claims depend (directly or indirectly) are allowable for at least those reasons discussed supra, the dependent claims are allowable for at least similar reasons. Applicants however, reserve the right to address such rejections should such be necessary and appropriate.

Accordingly, for at least the foregoing stated reasons, independent claims 1, 16, 26 and 41 and the claims dependent therefrom, are believed to be neither taught or suggested, and therefore neither anticipated by nor rendered obvious in view of any of the references of record, taken individually or in combination.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all claims as presented herein are allowable over the art of record and request that all objections and rejections be withdrawn as being overcome or otherwise rendered moot. Applicants submit the application is hereby placed in condition for allowance which action is respectfully requested.

Applicants believe no additional fees are required for this Amendment and that it is timely filed. If, however, an extension of time is necessary to render this filing timely, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4801.

Appl. No. 10/022,861
Paper dated March 13, 2006
Reply to Office Action dated December 13, 2005

Docket No. 1232-4801

In the event that a telephone conference would facilitate prosecution, the
Examiner is invited to contact the undersigned at the number provided.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 13, 2006

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